Election Procedures Review Of Snohomish County

State of Washington February Special Election



Conducted by the
Office of the Secretary of State
Election Certification and Training Program

Introduction



The Washington State Legislature enacted legislation in 1992 mandating that the Office of the Secretary of State review county election procedures and practices. The Election Certification and Training Program was established within the Elections Division of the Office of the Secretary of State to conduct reviews and to provide for the certification of election administrators. In 2005, the Legislature expanded the Election Certification and Training Program to require that each County Auditor's Office be reviewed at least once every three years.

The election review process is governed by RCW 29A.04.510 through 29A.04.590 and Chapter 434-260 of the Washington Administrative Code. Reviews are conducted at regular intervals in conjunction with a county primary, special or general election, at the direction of the Secretary of State.

Pursuant to RCW 29A.04.570(1)(b), the Election Certification and Training Program conducted an election review in Snohomish County during the February Special Election cycle. Sheryl Moss, Program Manager, represented the Election Certification and Training Program during the review. Bob Terwilliger, Snohomish County Auditor, Carolyn Diepenbrock, and other members of the staff participated on behalf of the Snohomish County Auditor's Office.

Snohomish County allowed the reviewer to thoroughly review and examine all aspects of the election processes. The county provided documentation and materials during the review which greatly contributed to a successful examination process.

Both the reviewer and the Snohomish County Auditor's Office approached the review in a spirit of cooperation. The State commends the Snohomish County Auditor's Office for its organization and preparation in making the review process a positive and useful experience.

Contents of this report are based on observations of election practices and procedures and on interviews with county election personnel. The reviewer obtained information based on the actual observation of a particular procedure, based on verbal explanation or written procedures. In all cases, the predominant concern is whether or not the county's actions constitute compliance with the intent of statutes and rules.

The purpose of this review report is to provide Snohomish County Auditor's Office with a useful evaluation of its election procedures and policies and to encourage procedural consistency in the administration of elections throughout the state. This review report includes a series of recommendations and/or suggestions that are intended to assist Snohomish County in improving and enhancing its election processes.

The reviewer is statutorily prohibited from making any evaluation, finding, or recommendation regarding the validity of any primary or election or of any canvass of the election returns. Consequently, this review report should not be interpreted as affecting, in any way, the validity of the outcome of any election or of any canvass of election returns.

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Overview and Recommendations

In the course of this review, the reviewer observed pre-election tasks, election procedures, post-election procedures, canvassing, and certification of the election. The County Auditor or election staff verbally explained some tasks the reviewer was unable to observe, and the reviewer relied on written procedures for some tasks.

Snohomish County has excellent election procedures. The staff is knowledgeable and dedicated. It was apparent to the reviewer that a large part of their success is due to their ability to work as a team. They have a very good understanding of the requirements and pay great attention to detail. The reviewer was impressed with their commitment to the integrity of the election process.

Snohomish County's procedures for ballot tracking and reconciliation procedures are exceptional. They open ballots by precinct and have an excellent log system that tracks the ballots are they are opened through ballot counting. If the number of ballots counted does not match the log, the number of ballots is immediately verified by a hand count.

Even though the February Election was conducted at the polls, Snohomish County has made the decision to conduct all elections by mail starting with the 2006 Primary. While they will not provide poll sites for all voters, they will be providing sites where disabled voters may use direct recording electronic voting devices. Under current law, these sites are considered poll sites.

The following recommendations should improve and enhance Snohomish County's already excellent election policies and procedures.

Review Recommendations

1. Poll Worker Training Issues

While observing at the poll sites on Election Day, two situations were handled incorrectly at the poll site:

- Voters wishing to vote a provisional ballot are asked to fill out a voter registration form at the time of voting in case they are not currently registered. While this is an excellent practice, state law does not require it for provisional ballots. In one poll site, the reviewer observed a voter who did not want to fill out the registration form and the voter was not allowed to vote a provisional ballot. On page 30, the poll worker guide book states "All (provisional) voters must fill out voter registration form" and "DO NOT deny any person the right to vote."
- In another poll site, a voter's husband was allowed in the voting booth with the voter. The voter was not disabled.

RCW. 29A.44.240 states "... Voting shall be secret except to the extent necessary to assist sensory or physically disabled voters..." Additionally, September 2, 2005, the Attorney General's Office provided a letter stating that "state law impliedly prohibits a voter from bringing another person into a voting booth except in the case of voters with sensory or physical disability." (Secretary of State Clearinghouse, Volume 5, Number 11, October 7, 2005)

Recommendation: Ensuring poll workers know all the statutes and rules is a big challenge. Even though they are switching to all mail elections, any place set up where disabled voters may cast a vote instead of sending in a ballot is considered a poll site.

While Snohomish County does instruct their poll workers not to deny anyone a provisional ballot, the poll worker guide book also requires a voter registration form for all provisional voters. The manual should be reworded so poll workers do not misunderstand the process and issue provisional ballots even if the voter refuses to fill out a voter registration form.

Snohomish County should continue to provide training for poll workers including those at voting sites for disabled voters.

Suggestions

The following are suggestions for increasing efficiency and improving operations with the county auditor's office. Although these suggestions do not address issues involving compliance with state laws or administrative rules, the reviewer identified the tasks discussed in the section as areas of election administration in which the county auditor might improve the efficiency and operation of the office.

1. Ballot security

While not required by statue or rule, security is important to the accountability of ballot processing. Snohomish County generally has excellent security procedures. The following could improve ballot security even more.

A. Split ballot processing locations

Because of space, Snohomish County is forced to use space across the street for part of their ballot processing. They must check ballots in the main office and then transport them to the Bethany Building to finish processing them.

Splitting the process requires more accountability measures and increases the possibility of errors. Snohomish County should have a single location where all parts of the ballot process can be accomplished, especially now that they are converting to all mail elections. The space now used to store and process ballot equipment, located on the floor under the Auditor's Office is being considered for this purpose. For the number of ballots to be processed, this space seems inadequate to this Reviewer. Snohomish County should find a space where ballot processing has sufficient room and where it can be located all within the same office space.

B. <u>Ballot Processing at the Auditor's Office</u>

The ballot processing area in the Auditor's Office is inadequate for the signature check process that is performed there. The ballots are placed in Mr. Terwilliger's Office as there is no other place to secure them. The ballots are processed at workers' desks. Sometimes ballots are left on top of desks while staff performs other duties.

While it can appear that ballots are left unattended, the signature check area is always staffed and unauthorized people are not allowed in the area. Ballots are not left where the public can have access. Increased security measures could enhance their security in this area.

A room where ballots could be secured when they are not being processed would help tremendously. If someone processing a tray of ballots needs to leave their desk for a period of time, the ballots being processed should be removed from their desk and secured.

At the time of the review, plans have been drawn to remodel the signature check area to provide secure storage for ballots in the Auditor's Office.

C. Securing ballots for transport

Once the signatures have been checked, the ballots are transported to the Bethany Building in a car with two staff members. The ballots are in mail trays encased with mail tray sleeves.

Because the ballots are being transported, even with two people, Snohomish County should seal the ballots in containers for transport with numbered seals and logs kept at both the Auditor's Office and the Bethany Building. This could be accomplished by several methods. Two possible methods are:

- Place the ballots into containers that have closing mechanisms that seal can be used.
- Mail trays with sleeves could be sealed with sticky backed seals. The seals would have to be pre-numbered and placed on the trays to prevent access to the ballots without breaking the seals.

D. <u>Ballot Processing at the Bethany Building</u>

Because of the layout of the Bethany Building space, the ballot processing is divided into three rooms. Each of these rooms has a specific purpose:

- a. Opening and inspecting the ballots
- b. Accepting incoming ballots from the Auditor's Office and ballot storage
- c. Ballot counting and observation

Separating processes into three rooms makes it difficult to supervise and observe the processes. If a new facility is found, this reviewer recommends a space where work areas are not separated by walls to facilitate the process and open observation of the ballots from one location.

The room used for ballot storage is not large enough for that purpose. To provide storage for all the ballots, the storage cabinets must be placed in rows that shield from pubic view the processes that take place. The room is open for observation, but it is crowded and workspace is limited. Observers would have to be stationed in the room to adequately observe that area. If possible the storage cabinets should be arranged so that observers could see all areas in the room by standing in either doorway. Again, the ballot processing area that Snohomish County uses is inadequate for the number of ballots they process, especially changing to mail elections.

E. Securing the Keys

When finished with ballot processing, each day the ballot storage cabinets are locked with keys. The keys are placed in a locked cabinet. The key to the

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cabinet is stored in a separate location. The security system in the ballot processing area is activated.

A system of locks and keys can be used to secure ballots. The reviewer suggests that access to the cabinet with the keys be documented with numbered seals and a log kept of each seal that is applied. The key to the key cabinet could be placed in container that can be secured by a numbered seal. Another option is to secure the key cabinet with a numbered seal which would eliminate the need to secure a key to the cabinet. While the security system is activated after work hours, securing the keys to the ballot storage cabinets in this manner will provide a record of who has had access to them each day.

County's Response to Draft Review Report

The Election Certification and Training Program issued a draft review report to the Snohomish County Canvassing Board. In accordance with WAC 434-260-145, Snohomish County was provided a 10-day period in which to respond, in writing, to recommendations listed in the draft report.

The Snohomish County Auditor provided the following response to the draft review report. The original is on file with the Office of the Secretary of State.



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To:

From:

Bob Terwilliger, Snohomish County Auditor Chair, Snohomish County Canvassing Board

Certification and Total

Subject:

Certification and Training Program – Election Review

Date:

May 19, 2006

I want to thank Sheryl Moss, Certification and Training Program Manager, for her level of professionalism and integrity in the manner in which she conducted this Election Review. As good as you might think you are doing in the area of administering elections there is always room for improvement. That is the purpose of these election reviews.

I also want to thank the state legislature for funding the Certification and Training Program at the appropriate level so that these reviews can be conducted for all counties on a regular basis. This level of review will help to ensure that the election process in the state of Washington is maintained at the highest level of professionalism that the citizens and voters of the state expect and deserve.

The following is my response, on behalf of the Snohomish County Canvassing Board, regarding the election review conducted by the Secretary of State's Office.

SECTION 1 RECOMMENDATIONS:

Poll Worker Training Issues

Even though Snohomish County is changing its voting environment to all mail voting effective with the 2006 Primary Election, we will continue to have training sessions for counting center personnel, ballot drop off personnel and disabled access polling location personnel. Since the disabled access voting locations are polling places under state law and administrative code, those persons staffing those locations will be instructed that provisional ballots are to accommodate a voter or voters who believe they have a right to vote but for which our records on election day do not indicate that fact. In addition, for anyone wishing to vote at a disabled access voting location, for which the records indicate, has already voted an absentee ballot, that voter will also be allowed to vote a provisional ballot. Those persons staffing the disabled access voting locations will be instructed that any voter with a sensory or physical issue that may hinder their ability to cast a ballot and vote is allowed to have another voter assist them while they vote. That has been our instruction each year we have voted at polling places. Our position

has been for poll workers to not engage in any discussion about whether or not a voter is in fact in need of help because of a sensory or physical issue but to simply take the voter's word for the need for help and to allow assistance to take place.

On the issue of filling out a new voter registration card as a prerequisite to casting a provisional ballot our instructions have been to give any person voting a provisional ballot a voter registration form. They can make it out at the polls or take it home and complete and mail it in later. The instructions we provide to the poll workers make it clear that completing a new voter registration form is not a prerequisite to voting a provisional ballot.

SECTION 2 SUGGESTIONS:

1. Ballot Security

A. Split Ballot Process Locations

Currently the Auditor's Office is undergoing major renovations and remodeling that will allow for the more efficient handling of ballots in a mail ballot voting environment. However, budget constraints will still result in the processing of mail ballots and signature checking to occur on the first floor of the Administration Building West with the Counting Center and Ballot Counting process occurring in the Bethany Building which is immediately across the street to the south.

B. Ballot Processing at the Auditor's Office

The current renovation and remodeling of the Auditor's Office on the first floor of the Administration Building West will provide for the necessary security and accountability as suggested in this section as a separate secure room will be constructed for storing ballots as they come in from the mail and drop off locations and a separate secure room will be constructed to store the ballots that have had the signature check completed and are awaiting transport to the Counting Center in the Bethany Building. In addition there will be more work space for processing the ballots and conducting the signature checking process in an area secure from public access except for authorized observers.

C. Securing Ballots for Transport

The need to ensure a higher degree of ballot security while the ballots are being transported from the signature checking area in Administrative Building West to the Counting Center and Ballot Tabulation Center in the Bethany Building (immediately across the street to the south) is acknowledged. The Auditor's Office will explore reasonable and cost effective ways to ensure ballot security and accountability during this transporting process.

D. Ballot Processing at the Bethany Building

The Auditor's Office appreciates the concerns expressed related to the ballot counting process occurring in three room within the Bethany Building. However, the rooms are all open and observable by the public and observers during our ballot processing and ballot counting hours. We will be implementing a new ballot accountability and counting process with the Primary Election in 2006 which will reduce the need for storage and space such that the work area will be more open and accessible to observers and the public. Knowing that for the immediate future the Bethany Building is where our ballot processing and counting will take place is the driver behind

developing more efficient processing, accounting, storage and counting procedures for ballots as we move to all mail balloting.

E. Securing the Keys

The Auditor's Office acknowledges the concern about the security of the key to the key box and will review its security measures as they pertain to keys as we convert to the all mail ballot environment. As noted in the review we have a very secure system in place but there is always room for improvement.

Conclusion

The reviewer commends Snohomish County Auditor's Office for its election procedures. The attention to detail, organization, and dedication to the election process was evident in every area.

Snohomish County has invested a great deal of time and thought into their written procedures. Their procedures were comprehensive and written in a manner that provided step-by-step instructions. Snohomish County should be commended for keeping current written procedures when most counties find it difficult.

Additionally, Snohomish County has outstanding instructional manuals and other documents, such as the Canvassing Board Delegation. They provide clear understanding and documentation of their procedures.

Snohomish County is very conscientious in the handling of their ballots and work with the political parties to have their representatives involved in the processing of ballots. They provide locking cabinets for ballots and a security system to detect unauthorized access to the ballot processing areas. The additional security measures suggested in this report are intended to enhance their already efficient procedures.

The reviewer made a series of recommendations for consideration by the Snohomish County Auditor and County Canvassing Board. These are meant to enhance and improve Snohomish County's procedures. None of the recommendations in this report would in any way affect the integrity of the election. The Office of the Secretary of State is available for any additional assistance the County Auditor may request.

Review Report Prepared by:	Sheryl Moss Certification and Training Program Manage Office of the Secretary of State
July 30, 2006	
Date	Signature